

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLENE CARTER,

Plaintiff,

v.

SOUTHWEST AIRLINES CO., AND
TRANSPORT WORKERS UNION
OF AMERICA LOCAL 556,

Defendants.

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Civil Action No. 03:17-cv-02278-S

**DECLARATION OF CRYSTAL GRAVES IN SUPPORT OF DEFENDANT
SOUTHWEST AIRLINES CO'S BRIEF IN RESPONSE TO CHARLENE CARTER'S
MOTION FOR LEAVE TO FILE UNDER SEAL**

I, Crystal Graves, declare as follows:

1. I am at least 18 years old. I have personal knowledge of the facts stated in this declaration and if called as a witness, could competently testify thereto.
2. I have been a Southwest Airlines Co. ("Southwest" or "Company") employee since December 31, 2018.
3. I am currently the Employee Relations Manager for Southwest. I have held that position since December 31, 2018.
4. I am generally familiar with Southwest's practices related to the handling and sharing of employee complaints, details of employment investigations, personal employee information (e.g., personnel records / information, contact information, etc.), and disciplinary information and data.
5. Generally, in the absence of a legal or contractual requirement, Southwest does not disclose the information described in paragraph 4 above except to members of management

as appropriate to facilitate the performance of their duties.

6. In certain circumstances, Southwest may disclose some of the above information to ensure it conducts an adequate investigation. For example, Southwest may have to describe an allegation to an employee-witness to determine the veracity of an employee's complaint. In those circumstances, Southwest's practice is to limit the disclosure to what is necessary to facilitate an effective investigation.

7. Southwest does not disclose the information described in paragraph 4 above in order to, among other reasons, prevent retaliation and harassment, protect employee privacy, and to prevent the circulation of allegations that may ultimately be unfounded.

8. I understand that on July 30, 2021, Charlene Carter ("Plaintiff") filed a Motion for Leave to File Under Seal Her Second Motion to Compel Discovery From Southwest Airlines Company ("Motion") (dkt. no. 158).

9. I have reviewed documents attached to the Motion that I understand Southwest designated as confidential, which are labelled as App. 58, 60-95.

10. These documents contain, among other things, information regarding social media complaints and investigations, reports of potential retaliation, disciplinary actions, and certain matters related to Local 556. As discussed above, absent unusual circumstances, Southwest does not reveal such information to the public or non-management employees. I would be particularly disinclined to disclose such information in the context of the *Carter* action.

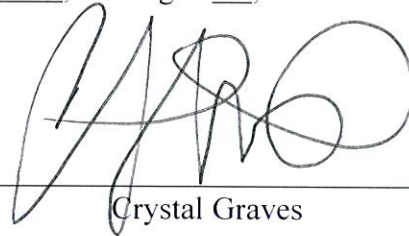
11. Over the last several years, there have been disputes between Flight Attendants regarding a variety of matters, including contract negotiations, Local 556, and national politics. Much of this has occurred over social media. Multiple Flight Attendants have reported one another to management for statements made in the course of these disputes.

12. Some employees (including Carter) have alleged that these reports were retaliatory or otherwise improper. Against this background, publicly disclosing the above documents would not only reveal personnel information on private matters regarding employees who are not parties to the *Carter* case, it may also subject them to retaliation and harassment from co-workers based on alleged statements made regarding political matters or Local 556.

13. Moreover, the documents at issue (particularly App. 77-86) disclose protected characteristics (*e.g.*, disability status, sexual orientation, religion, etc.) of employees who are not party to this action.

14. Finally, publicly disclosing information regarding employees who report potential misconduct might discourage employees from making such reports or cooperating in investigations. This could undermine Southwest's ability to enforce its policies prohibiting discrimination, harassment, and retaliation; and the policies encouraging Flight Attendants to report other concerns (*e.g.*, safety-related matters, etc.).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Dallas, Texas, on August 24, 2021.



Crystal Graves